

IN THE UNITED STATES BANKRUPTCY COURT FOR
THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION

In re:

BRIAN ALLEN BLALOCK
RHONDA KAY BLALOCK
Debtors

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Case No. 3:18-bk-30420-SHB

Chapter 13

OBJECTION BY DEBTORS TO NOTICE OF MORTGAGE PAYMENT CHANGE
FILED BY U.S. BANK TRUST NATIONAL ASSOCIATION AS TRUSTEE OF TIKI
SERIES IV TRUST
(CLAIM NO. 10)

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Notice is hereby given that:

Pursuant to Local Rule 9013-1(h), the court may consider this matter without further notice or hearing unless a party in interest files an objection. If you object to the relief requested in this document, you must file with the clerk of the court at United States Bankruptcy, Howard H. Baker Jr. US Courthouse, Suite 330, 800 Market Street, Knoxville TN 37902, an objection within 30 days from the date this paper was filed and serve a copy on the movants' attorneys, Richard M. Mayer and John P. Newton, Jr., 1111 Northshore Drive Suite S-570, Knoxville TN 37919, or via Electronic Case Filing; Tiffany Dilorio, Office of United States Trustee, Howard H. Baker, Jr. U.S. Courthouse, 800 Market Street, Suite 114, Knoxville, TN 37902 and Gwendolyn M. Kerney, Chapter 13 Trustee, PO Box 228, Knoxville TN 37901. If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief requested in this document and may grant the relief requested without further notice or hearing.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

Come the Debtors and would hereby object to the Notice of Mortgage Payment Change filed in their case by U.S. Bank Trust National Association as Trustee of Tiki Series IV Trust and state as follows:

1. The Notice of Mortgage Payment Change filed August 13, 2020 by U.S. Bank Trust National Association as Trustee of Tiki Series IV Trust states the monthly mortgage payment amount would be increased to \$1,055.60 with an effective date of June 2, 2020. A copy of the Notice of Mortgage Payment Change is attached hereto as **Exhibit A** and is incorporated by reference.
2. The Notice of Mortgage Payment Change filed August 13, 2020 is incorrect as it states the effective date is June 2, 2020, prior to the filing of the Notice. The Disclaimer on the Notice states Rushmore Loan Management Services will adjust the effective date to October 2, 2020, although the effective date was not adjusted on the face of the Notice.
3. The Notice of Mortgage Payment Change filed August 13, 2020 is incorrect as it states the escrow payment is decreasing from \$193.13 to \$123.31, although the escrow payment is currently \$123.08. See attached hereto as **Exhibit B** previous Notice of Mortgage Payment Change filed on January 13, 2020.
4. The Notice of Mortgage Payment Change filed August 13, 2020 is incorrect as it states the mortgage principal and interest payment is \$932.29, although the mortgage principal and interest payment is currently \$911.64. See attached hereto as **Exhibit B** previous Notice of Mortgage Payment Change filed on January 13, 2020.
5. Debtors' mortgage payment should consist of \$911.64 in principal and interest and \$123.31 for escrow, for a total of \$1,034.95.

Wherefore, the Debtors pray that their mortgage payment amount continue to be \$1,034.95 monthly to be paid to U.S. Bank Trust National Association as Trustee of Tiki Series IV Trust.

Dated: August 31, 2020

BRIAN ALLEN BLALOCK
RHONDA KAY BLALOCK

/s/ Richard M. Mayer, #5534

/s/ John P. Newton, Jr. #010817

Attorneys for Debtors
1111 Northshore Drive, Suite S-570
Knoxville, TN 37919
(865) 588-5111
mayerandnewton@mayerandnewton.com

CERTIFICATE OF SERVICE

The undersigned hereby certify that true and exact copies of the foregoing Objection and proposed Order have been served upon the following parties in interest herein by delivering same to said party, or by mailing same to the said party by U.S. Mail with sufficient postage thereon to carry the same to its destination and/or Electronic Case Filing on August 31, 2020.

Gwendolyn M. Kerney, Chapter 13 Trustee (ECF)
PO Box 228
Knoxville, TN 37901

United States Trustee (USM)
Office of the United States Trustee
Howard H. Baker, Jr. U.S. Courthouse
800 Market Street, Suite 114
Knoxville, TN 37902-2303

U.S. Bank Trust National Association as (USM)
Trustee of Tiki Series IV Trust
c/o Mark Baker, Esq.
McMichael Taylor Gray, LLC
3550 Engineering Drive, Suite 260
Peachtree Corners, GA 30092

Rushmore Loan Management Services LLC (USM)
P.O. Box 52262
Irvine, CA 92619-2262

/s/ Richard M. Mayer, #5534

/s/ John P. Newton, Jr., #010817

Attorneys at Law